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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/803,718	03/18/2004	Kevin Eugene Dombkowski	LUC-469/Dombkowski 11-16	6988
32205 7590 09/20/2007 PATTI, HEWITT & AREZINA LLC ONE NORTH LASALLE STREET 44TH FLOOR CHICAGO, IL 60602			EXAMINER YALEW, FIKREMARIAM A	
			ART UNIT 2136	PAPER NUMBER
			MAIL DATE 09/20/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/803,718

Applicant(s)

DOMBKOWSKI ET AL.

Examiner

Fikremariam Yalew

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 March 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-22 have been examined.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 22 are directed to signal embodied in a carrier wave. The examiner respectfully asserts that the claimed subject matter does not fall within the statutory classes listed in 35 USC 101. Claim 22 is directed a computer readable media/carrier wave that includes data signals (See page 19 lines 3-6). A signal does not fall within one of the statutory classes of 101. Claim 22 is rejected as being directed to data signal.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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5. Claims 1-6,8-18,20-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Karaoguz(US Pub No 2004/0059914 A1).

6. As per claims 1,14,22: Karaoguz discloses an apparatus/method/article, comprising: an authentication device that authenticates a computing device (See 0041 0049), in communication with the authentication device, through employment of a determination that a current location of the authentication device matches an initial location of the authentication device (See Fig 3 steps 305,310,335 and Fig 4 steps 440 and 0019).

7. As per claim 2: Karaoguz discloses the apparatus wherein the computing device comprises a first computing device wherein the authentication device makes the determination that the current location of the authentication device matches the initial location of the authentication device in response to a request from a second computing device for authentication of the first computing device for a data transfer from the second computing device to the first computing device (See 0008,0019-0020).

8. As per claims 3,15: Karaoguz discloses the apparatus/method wherein the request from the second computing device comprises an authentication challenge string (See 0038,0041); wherein the authentication device stores one or more private keys, wherein if the current location of the authentication device matches the initial location of the authentication device, then the authentication device employs one or more of the one or more private keys to decrypt the authentication challenge string into an authentication challenge response(See 0038).

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9. As per claims 4,16: Karaoguz discloses the apparatus/method wherein the authentication device sends the authentication challenge response to the second computing device, wherein the second computing device analyzes the authentication challenge response to determine whether the first computing device is authenticated for the data transfer (See 0037-0038).

10. As per claims 5,17: Karaoguz discloses the apparatus/method wherein the second computing device comprises an authentication challenge key to compare with the authentication challenge response received from the authentication device (See 0038,0041); wherein if the authentication challenge response matches the authentication challenge key, then the authentication challenge response represents that the first computing device is authenticated and the data transfer can be sent from the second computing device to the first computing device(See Fig 4 step 440 and 0038,0041).

11. As per claims 6,18: Karaoguz discloses the apparatus wherein upon determination that the current location of the authentication device does not match the initial location of the authentication device, the authentication device prevents authentication of the first computing device and disables the one or more private keys (See Fig 4 step 450 and 0042).

12. As per claim 8,20: Karaoguz discloses the apparatus/method wherein the authentication device comprises a base portion, a cover portion, and one or more electronic components that serve to authenticate the computing device; wherein the base portion is fixed to a surface near the computing device, wherein the cover portion

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is fixed to the base portion to provide a secure shell for the one or more electronic components (See Figs 2,3 and 0017,0050).

13. As per claim 9,21: Karaoguz discloses the apparatus/method wherein a first one of the base and cover portions receives electricity through a power port, wherein a second one of the base and cover portions receives electricity through an electrical contact with the first one of the base and cover portions(See Fig 5 step 515,525); wherein upon separation of the second one of the base and cover portions from the first one of the base and cover portions, the second one of the base and cover portions loses power and prevents authentication of the computing device(See Fig 5 step 515,525).

14. As per claim 10: karaoguz discloses wherein the second one of the base and cover portions electrically supports one or more of the one or more electronic components that store one or more private keys; wherein the authentication device employs one or more of the one or more private keys to authenticate the computing device (See Fig 5 step 515,525); wherein a loss of power in the second one of the base and cover portions erases the one or more private keys from the one or more of the one or more electronic components(See Fig 5 step 515,525).

15. As per claim 11: Karaoguz discloses the apparatus wherein the authentication device comprises a location sensor (See 0039); wherein upon initialization of the authentication device, the location sensor sets the initial location of the authentication device (See 0039,0045); wherein the location sensor determines the current location of the authentication device, wherein the authentication device compares the current

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location with the initial location to authenticate the computing device (See 0039,0045).

12. As per claim 12: Karaoguz discloses the apparatus wherein the location sensor comprises a global positioning system component, wherein the global positioning system component measures the initial location and the current location of the authentication device as a three-dimensional location of latitude, longitude, and altitude (See 0045-0046).

13. As per claim 13: Karaoguz discloses the apparatus wherein the authentication device allows authentication of the computing device upon the determination that the authentication device matches the initial location of the authentication device within a specified error message (See 0039,0045)

Claim Rejections - 35 USC § 103

16. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

17. Claims 7,19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Karaoguz(US Pub No 2004/0059914 A1) in view of Wheeler et al(US Pub No 2007/0088950 A1).

18. As per claims 7,19: Karaoguz discloses claims 6 and 15 as recited above. Karaoguz does not explicitly teach the apparatus wherein the authentication device

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stores the one or more private keys in volatile memory, wherein upon determination that the current location of the authentication device does not match the initial location of the authentication device, the authentication device cuts off power to the volatile memory to erase the one or more private keys.

However Wheeler the apparatus wherein the authentication device stores the one or more private keys in volatile memory, wherein upon determination that the current location of the authentication device does not match the initial location of the authentication device, the authentication device cuts off power to the volatile memory to erase the one or more private keys(See 0146).

Therefore it would have been obvious to one ordinary skill in art at that time the invention was made to modify the teaching method of Wheeler within Karaoguz method inorder to provide enhancing security for the system.

Conclusion

19. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO 892

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fikremariam Yalew whose telephone number is 5712723852. The examiner can normally be reached on 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Moazzami Nasser can be reached on 571-272-4195. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Fikremariam Yalew
09/13/2007
FA

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